

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

3:73-cv-00125-ECR-WGC

Plaintiff,

In Equity No. C-125

## WALKER RIVER PAIUTE TRIBE,

**CORRECTED  
ORDER MODIFYING DECREE**

### Intervenor-Plaintiff,

VS.

WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et al;

Defendant.

In the Matter of:

PERMIT 79000 - JERRY ROBERT  
and DEBRA DEAN ROSSE,

## Petitioners.

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The Petitioners, JERRY ROBERT and DEBRA DEAN ROSSE, filed herewith their Petition for Approval of Modification of the Walker River Decree herein on November 17, 2011.

Petitioners filed Application No. 79000 with the Nevada State Engineer on November 2, 2009, which Application sought to change the point of diversion and place of use for a portion of Claim No. 173 of this Court's Final Decree dated April 29, 1940 in the above entitled action.

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1 The Nevada State Engineer sent special notices and request for publications in accordance  
 2 with the Administrative Rules and Regulations of the U.S. Board of Water Commissioners.  
 3 Publications of notice of Application No. 79000 were duly made in the Mason Valley Times, Record  
 4 Courier and the Mammoth Times, as required by such Administrative Rules and Regulations.

5 No protests were lodged by any party to the granting of Application No. 79000.

6 On December 21, 2011, this Court entered its Order Setting Hearing on the Petition for  
 7 Approval of Modification of Walker River Decree.

8 The Nevada State Engineer's entire record of proceedings under Application No. 79000 was  
 9 served upon all parties hereto.

10 Claim No. 173 of this Court's Final Decree reads as follows:

11 Stream	12 Year of relative priority	13 Amount in cubic feet per second	14 No. of Acres irri- gated	15 Description of Land
16 Desert Creek	1860 1864	4.0 5.30	250 330	17 W½ of SW¼, Sec. 16; All of Sec. 17; 18 NE¼, N½ of SE¼, Sec. 18; E½ of 19 NE¼, NW¼, N½ of NE¼, Sec. 19; NE¼ of SE¼, Sec. 20, NW¼ of SW¼, Sec. 21; T. 10N., R. 24 E.

20 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
 21 said Decree is modified as follows:

22 1. That a portion of that certain right set forth in Claim No. 173 of the Decree on page  
 23 49 under the name of Pacific Coast Joint Stock Land Bank, be modified as follows:

24 delivery of water is hereby changed from:

25 SW1/4 NE1/4, SE1/4 NE1/4 SECTION 18, T.10 N., R.24 E., M.D.M.

26 8.62 ACRES	27 PRIORITY 1860	.140 cfs
27 11.38 ACRES	28 PRIORITY 1864	.180 cfs
28 20.00 ACRES		.320 cfs

29 to:

30 NE1/4 NW1/4, SE1/4 NW1/4, NE ¼ SW1/4 OF SECTION 8, T.9 N.,  
 31 R.24 E., M.D.M.

32 8.62 ACRES	33 PRIORITY 1860	.140 cfs
33 11.38 ACRES	34 PRIORITY 1864	.180 cfs
34 20.00 ACRES		.320 cfs

2. The new point of diversion shall be noted on the Final Decree as: NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, T.9N, R.24E, M.D.M., from which the West  $\frac{1}{4}$  corner of said Section 8 bears N 50°19'23" W, a distance of 1,821.30.

3. The approved Application No. 79000 was duly served on all parties hereto as Exhibit "A" attached to the Petition for Approval of Modification of the Walker River Decree.

This modification of Decree shall be deemed not to affect the rights other than that portion of Claim No. 173 set forth above or the rights of any other parties.

DATED this 1st day of February, 2012.

Howard D McKibben

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UNITED STATES DISTRICT COURT JUDGE